

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble Dr.Subesh Kumar Das (Administrative Member)****Case No. OA – 1233 OF 2016****PROMILA BHAR & ANR. Vs. THE STATE OF WEST BENGAL**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>08</u> 03.12.18</p>	<p>For the Applicants : Mr.M.Karim Mr.K.J.Zamal Mr.A.Samad Advocates</p> <p>For the Respondent : Mr.M.N.Roy Advocate</p> <p>Let affidavit of service filed pursuant to the directions contained in the order dated 9th October, 2018, be kept on record.</p> <p>As prayed for by Mr.M.Karim, learned advocate for the applicant, leave granted to add the Additional Chief Secretary, Department of Agriculture, Government of West Bengal, as a party respondent by amending the cause title in course of this day. Since Mr.M.N.Ray, learned advocate appearing on behalf of the State respondents, accepts service of copy of the application on behalf of the added respondent, no further copy of the application need be served.</p> <p>At the outset, it is submitted by Mr.Karim that since it is evident from the succession certificate that the applicant herein is the legally married wife of late Ram Sundar Bhar, Ex-Majdoor, Sub-Divisional Agricultural Firm, Raiganj, Uttar Dinajpur and not Lachmi Bhar @</p>	

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	<p>Pal, the added respondent no. 7, appropriate order may be passed for grant of release of the death- cum- retirement benefits including family pension, General provident Fund, Group Insurance, Gratuity and other retirement benefits along with interest with effect from the date of death of her husband of the applicant No. 1 and the father of the applicant no. 2, who had died in harness on 17th February, 1992, after setting aside the orders dated 16th April, 2012, 21st April, 2015 and 2nd September, 2016.</p> <p>Mr.Roy, learned advocate appearing on behalf of the State respondent submits that since the applicant herein claims to be the legally married wife of the deceased employee and the issue cannot be adjudicated in the Tribunal, the matter may be referred for ultimate decision before the added respondent on the basis of the records available.</p> <p>Having heard Mr.M.Karim and Mr.Roy and considering the facts and circumstances of the case, the original application is disposed of by granting liberty to the applicants to file a representation stating the facts and ventilating their grievances, along with copies of</p>	

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BLR	<p>necessary documents before the added respondent within four weeks from the date of having a copy of this order. If such representation is filed, the same shall be disposed of by the Additional Chief Secretary, the added respondent, by passing a reasoned order to be communicated to the parties within twelve weeks after giving an opportunity of hearing to the applicant nos.1 and 2 and the added respondent no. 7 and after verifying the records and after dealing with the documents including the succession certificate, if any, granted by the appropriate judicial forum without being influenced by any of the orders passed by his subordinates. It is made clear that prior to hearing a copy of the representation and documents, if any, filed will be served upon the private respondent no. 7.</p> <p style="text-align: center;">(S.K.DAS) MEMBER(A)</p> <p style="text-align: center;">(SOUMITRA PAL) CHAIRMAN</p>	